

E-FILED 3/8/2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYNAPSIS, LLC,

NO. C 05-1524 JF (RS)

Plaintiff,

**ORDER DENYING MOTION TO
SHORTEN TIME**

v.

EVERGREEN DATA SYSTEMS, INC. ET AL.,

Defendants.

Before the Court is plaintiff's motion for an order shortening time.¹ Plaintiff asserts that its underlying motion to compel discovery needs to be heard prior to the deadline for the exchange of expert disclosures in this action, but plaintiff has made no showing as to why the underlying motion could not have been brought more promptly. Plaintiff also has not explained why it cannot seek an extension of the deadline for exchanging expert disclosures from the presiding judge, should that become necessary. Additionally, Plaintiff seeks to compress the time for hearing the motion to a degree that would impose an undue burden on defendant and the Court. Finally, it appears that the

¹ Plaintiff mischaracterizes its motion as an "ex parte" motion. See Civil Local Rule 7-10 (defining ex parte motion as one brought "without notice to opposing party" and permitting such motions only in limited circumstances not present here). As plaintiff's papers were filed electronically, however, defendant has received notice, and the motion was *not* made "ex parte" within the meaning of Rule 7-10. The Court will deem the motion as one brought under Civil Local Rule 6-3 ("Motion to Change Time").

1 parties are continuing to meet and confer in an effort to render the motion to compel unnecessary,
2 and they are strongly encouraged to do so. In view of all of these circumstances, the motion for an
3 order shortening time is DENIED.

4
5 IT IS SO ORDERED.

6 Dated: March 8, 2007


RICHARD SEEBORG
United States Magistrate Judge